

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Antonio Maurice Scott, As Personal)	
Representative of the Estate of)	
George Bynum,)	Civil Action No.: 0:18-cv-1102-RMG-PJG
)	
Plaintiff,)	
)	
v.)	
)	
Siva Chockalingam, MD, in his)	<u>SECOND MOTION</u>
Individual Capacity as Agent,)	FOR SUMMARY JUDGMENT
Servant and/or Employee of the)	ON BEHALF OF DEFENDANT,
South Carolina Department of)	SOUTH CAROLINA DEPARTMENT
Corrections; Associates in)	OF CORRECTIONS
Gastroenterology, PA; Berkeley)	
Endoscopy Center, LLC, Robert)	
Sharp, MD, in his Individual Capacity)	
as Agent, Servant and/or Employee)	
of The South Carolina Department)	
of Corrections; and South Carolina)	
Department of Corrections,)	
)	
Defendants.)	
_____)	

YOU WILL PLEASE TAKE NOTICE that the undersigned, as attorney for Defendant, South Carolina Department of Corrections (SCDC), hereby moves before the Presiding Judge of the Federal District Court of South Carolina for Summary Judgment pursuant to Rule 56, FRCP, on the following grounds:

1. Defendant SCDC is not a “person” within the meaning of the term as used in 42 U.S.C. §1983.

2. Plaintiff's State claims for medical malpractice and gross negligence and for violations of standards of medical practice against Defendant SCDC should be dismissed, because Plaintiff failed to produce expert testimony to show that Defendant SCDC was negligent and grossly negligent and violated standards of medical practice in its care and treatment of George Bynum that are a proximate cause of George Bynum's injuries and death.

The Motions will be based upon the applicable statutory law and case law, upon the pleadings of record, and upon Defendant's Memorandum in Support of Second Motion for Summary Judgment.

s/James E. Parham, Jr.
James E. Parham, Jr.
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April 2, 2019